

HOUSE BILL 419

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 30; Title 8, Chapter 50; Title 23 and Title 49, Chapter 7, relative to law school legal aid clinics.

WHEREAS, full-time faculty members of law schools operated by the board of trustees of the University of Tennessee or the state board of regents are employed by the state; and

WHEREAS, persons employed by the state in a full-time capacity and engaged in the practice of law have a duty to protect the public interest; and

WHEREAS, to protect the public interest, it is necessary to prevent circumstances in which the interests of the public and the interests of the private individual are or might be in conflict; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 30, is amended by adding a new section thereto, as follows:

8-30-320.

(a) As used in this section:

(1) "Faculty" means officers and members, excluding those serving in an adjunct capacity, of the teaching staffs and legal aid clinics of law schools operated by the board of trustees of the University of Tennessee or the state board of regents;

(2) "Immediate family member" means a spouse, parent, sibling or child. This includes stepparents, stepchildren, stepsiblings and adoptive relationships; and

(3) "State employee" means any person who is employed in the service of and whose compensation is payable by the state or agency of the state.

(b) To prevent potential conflicts of interest, no full-time faculty member who is a state employee and engaged in the practice of law shall directly or indirectly receive any fees or compensation for the practice of law in any of the courts of this state where:

(1) The faculty member represents a client other than the faculty member or an immediate family member as a plaintiff in a civil lawsuit;

(2) The other party is the state, an entity, agency or officer of this state, or an entity, agency or officer of a local government of this state;
and

(3) Monetary damages are sought or can be awarded.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.